

REMARKS

The present invention is a sorting system. In accordance with an embodiment of the invention, the sorting system includes an activating member 2, a fastener 3, and a discharge arm 4 with an endpoint which at the endpoint is pivotally connected with the fastener at a side 6 of the conveyor 7, the activating member swinging the discharge arm between a passive position approximately parallel to a side of a conveyor and active angular positions 8 relative to a conveying direction of the conveyor and sensors 16 for providing signals for determining a lateral and longitudinal position of at least one item 11 on the conveyor, and the activating member comprising an electrically driven stepping motor or servomotor including a control unit for determining a pattern of motion and/or speed profile of the discharge arm, and wherein the control unit receives at least one signal from the sensors used for determining the lateral and longitudinal position of the at least one item on the conveyor.

The Examiner's indication of patentable subject matter is noted with appreciation. Newly submitted claim 45 includes the subject matter of claims 10 and 11 and therefore, is submitted to be patentable over United States Patent 6,041,910 (Avery et al) which has been utilized in the rejection of claims 10 and 26.

Claims 12, 14, 16, 18, and 35 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failure of "the sensors" to have proper antecedent basis. The claims have been amended to overcome these grounds of rejection.

Claims 10 and 26 stand rejected as being anticipated by Avery et al. The amendment of claims to combine claims 10 and objected to 11 into newly submitted claim 45 is submitted to overcome the rejection on anticipation.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (900.45540X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Donald E. Stout/
Donald E. Stout
Registration No. 26,422
(703) 312-6600



DES:dlh